

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

2004 APR 13 PM 3:06

TOBY AMES,
Plaintiff

VS.

STAR REALTY TRUST, AUGUSTUS
CIULLA and ROSE CIULLA
Defendants

MAGISTRATE JUDGE

Civil Action

RECEIPT #

AMOUNT \$

SUMMONS ISSUED

LOCAL RULE 4.1

WAIVER FORM

MCF ISSUED

BY DPTY. CLK.

DATE

PLAINTIFF'S COMPLAINT and DEMAND FOR JURY TRIAL

Now comes the Plaintiff, Toby Ames, and for his Complaint against the Defendants,
states as follows:

The Parties

1. The Plaintiff, Toby Ames, is a resident of South Thomaston, Maine.
2. The Defendant Star Realty Trust is a real estate trust with a principal place of business in Gloucester, Commonwealth of Massachusetts.
3. The Defendant, Augustus Ciulla, is a Trustee of Star Realty Trust.
4. The Defendant, Augustus Ciulla is a resident of Rockport, County of Essex, Commonwealth of Massachusetts.
5. The Defendant, Rose Ciulla, is a trustee of Star Realty Trust.
6. The Defendant, Rose Ciulla, is a resident of Rockport, County of Essex, Commonwealth of Massachusetts.

General Factual Allegations

7. On or about December 12, 2002, Star Realty Trust owned, operated and controlled the Star Fisheries dock in Gloucester Massachusetts.

8. On or about December 12, 2002, the Defendant, Augustus Ciulla, owned, operated and controlled the Star Fisheries dock in Gloucester Massachusetts.

9. On or about December 12, 2002, the Defendant, Rose Ciulla, owned, operated and controlled the Star Fisheries dock in Gloucester Massachusetts.

10. On or about December 12, 2002, the Plaintiff, Toby Ames, was lawfully crossing the Star Fisheries dock in Gloucester Massachusetts en route to the F/V STARLIGHT when he slipped upon an unnatural accumulation of ice and fell thereby injuring his knee.

Jurisdiction

11. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1332, as all parties to this matter are diverse in citizenship and the amount in controversy exceeds \$75,000.

COUNT I.

Negligence

12. The Plaintiff Toby Ames repeats and realleges Paragraphs 1-8 as if fully set forth herein.

13. On or about December 12, 2002, the Defendants, their agents, servants and/or employees had a duty to keep the Star Fisheries dock in a safe condition for all persons lawfully upon its premises.

14. On or about December 12, 2002, the Defendants breached the aforementioned duty by negligently allowing the Star Fisheries dock to exist in an unsafe and dangerous condition.

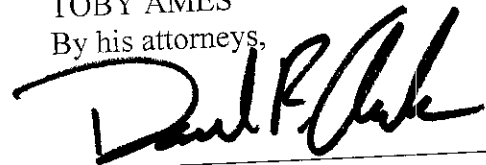
15. The personal injuries identified in paragraph 10 above were caused by the negligence of the Defendants, their agents, servants and employees.

16. As a result of the personal injuries identified in paragraph 10 above, the Plaintiff, Toby Ames, has suffered pain of body and mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

WHEREFORE, the Plaintiff, Toby Ames, demands judgment against the Defendants, Star Realty Trust, Augustus Ciulla, and Rose Ciulla, jointly and severally in an amount to be determined by a Jury, together with interest and costs.

THE PLAINTIFF CLAIMS A TRIAL BY JURY ON ALL ISSUES RAISED.

TOBY AMES
By his attorneys,



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DATED:

4/13/04